

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

COREY LOUIS HINES,)	
)	
Movant,)	
)	
v.)	No. 4:10CV39 HEA
)	
DAVID HAYES, et al.,)	
)	
Respondents.)	

ORDER

This matter is before the Court on movant's successive motion under 28 U.S.C. § 2255.¹ The motion is similar to the successive motion that movant previously brought in the case *Hines v. Devore*, 4:09CV1236 HEA, and the Court will dismiss this action for the reasons set forth in that case.

Accordingly,

IT IS HEREBY ORDERED that movant's motion under 28 U.S.C. § 2255 is
DISMISSED, without prejudice, for the reasons set forth in the case *Hines v. Devore*,
4:09CV1236 HEA (order dated 10/29/2009).

¹Although movant filed the motion as a petition under § 2241, the Court will construe it as a motion under § 2255 because the remedy under § 2255 is not inadequate or ineffective. *See United States v. Lurie*, 207 F.3d 1075, 1077 (8th Cir. 2000).

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

An Order of Dismissal will accompany this Order.

Dated this 29th day of January, 2010.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE